

### **REMARKS/ARGUMENTS**

In the specification, paragraph [0056] has been amended to correct an error in numbering. Support for this amendment is found in the remainder of paragraph [0056].

Claims 51-70 remain in the application. Claims 51, 52 and 70 have been amended. These amendments will now be discussed in detail.

Claim 51 has been amended to indicate that each coulter wheel assembly is "able to be aligned with a direction of travel of the implement". Support for this amendment can be found in the second sentence of paragraph [0025].

Claim 52 has been amended to indicate that each coulter wheel assembly is "laterally adjustable". Support for this amendment can be found in claim 62.

Claim 70 has been amended to make it dependent upon claim 51.

The Examiner has rejected claims 51 and 59-70 under 35 U.S.C. 102(b) as being anticipated by Bourgault (6,216,616). Applicant respectfully traverses this rejection and provides the following comments.

Bourgault does not disclose a tillage implement. The title of Bourgault is "Mid-Row Banding Coulter Drill". Drills are used in the planting of crops, not in the tillage of fields, which necessarily takes place prior to planting. The apparatus of Bourgault is described in column 3, line 62 as a "seeding implement", not a tillage implement as claimed in claim 51. The apparatus of Bourgault would not be suitable for use as a tillage implement and cannot be construed as such. Bourgault therefore does not anticipate the tillage implement of claim 51.

In addition, Bourgault explicitly describes, at column 2, lines 22-27,

"The disk coulters are fixedly mounted to the horizontal cross bars of the frame of the implement and run in an acute angle to the direction of travel, generally 1° to 50°." (*emphasis added*)

and at column 6, lines 18-27,

"This configuration makes a large enough furrow without a great deal of soil disturbance".

In contrast, claim 51 as currently amended specifies that the coulter wheel assembly is "able to be aligned with a direction of travel of the implement". This

configuration is specifically excluded in the apparatus described by Bourgault. Moreover, Bourgault teaches that such a non-angled configuration would not make a large enough furrow for planting seeds, which is a necessary function of a seeding implement. Adopting the configuration claimed in claim 51 would therefore render Bourgault inutile. Accordingly, Bourgault cannot possibly anticipate the invention as presently claimed.

Withdrawal of the rejection under 35 U.S.C. 102(b) is respectfully requested.

The Examiner has rejected claims 52-55 under 35 U.S.C 103(a) as being unpatentable over Bourgault in view of McIlhargey (6,412,571). Applicant respectfully traverses this rejection and offers the following comments.

Claim 52 has been amended to indicate that the coulter wheel assembly is "laterally adjustable". McIlhargey describes, at column 2 lines 33-36,

"...the coulter wheel assembly is adapted for connection to a farm implement having a frame (13) by means of a mounting bracket (14) welded to the frame." (*emphasis added*)

McIlhargey therefore teaches away from providing a coulter wheel assembly that is laterally adjustable, as presently claimed. Accordingly, a person skilled in the art would not be motivated to combine McIlhargey with Bourgault.

Withdrawal of the rejection under 35 U.S.C. 103(a) is therefore respectfully requested.

The Examiner has rejected claims 56-58 under 35 U.S.C 103(a) as being unpatentable over Bourgault in view of Rawson (5,462,124). Applicant respectfully traverses this rejection and offers the following comments.

As previously described, Bourgault relates to a seeding implement, whereas Rawson relates to a tillage implement.

Referring to Bourgault at column 3, lines 61-67,

"In summary, the present invention provides a disk coulter seeding implement which is well suited to seeding fields where a majority of the straw residue is left standing in the field. The implement of the present invention is capable of penetrating untilled fields and precisely placing seed and fertilizer into the soil to achieve optimum yields with minimal soil disturbance." (*emphasis added*)

Bourgault therefore is a seeding implement that creates minimal soil disturbance; this is quite opposite to a tillage implement, which is designed to create soil disturbance prior to planting. Referring to Rawson at column 1, lines 1-3 and 14,

"This invention relates to agricultural tillage implements, and more particularly to coulters wheel devices for tilling the soil. ...for seedbed preparation." (*emphasis added*)

A person skilled in the art would not be motivated to combine Bourgault and Rawson based on the contrary teachings of these two documents.

Moreover, Bourgault requires at column 2, lines 22-27, *supra*, that the coulters wheel assemblies are "fixedly mounted" at an "acute angle to the direction of travel". Permitting the coulters wheel assemblies to rotate about a vertical axis would make it impossible to maintain an acute angle, which in turn would lead to a furrow that is not large enough for receiving seeds, thereby rendering the seeding implement inutile. Bourgault therefore teaches away from a combination with Rawson and from the invention claimed in claims 56-58.

Withdrawal of the rejection under 35 U.S.C. 103(a) is therefore respectfully requested.

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In view of the above amendment and remarks, reconsideration on all claims is respectfully requested. In the event any matters remain to be resolved in view of this communication, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,  
**BRUNET & CO. LTD.**

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/Robert A.H. Brunet, 55,158/  
**Robert A.H. Brunet**  
Reg. No. 55,158  
Tel.: (519) 474-0700